

REMARKS

Claims 3-7 and 9 have been amended. Support for the changes to claims 3 and 4 appear in FIG. 8 and pages 24-25, and FIG. 9 and pages 21, 22 and 25, respectively. The claimed invention should not be limited, however, by the specification and drawings. Claims 1 and 2 have been canceled. Claims 3-7 and 9 are now pending in the present application. Applicants reserve the right to pursue the original claims and other claims in this and other patent applications.

Claims 5, 7 and 9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Funatsu. Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Funatsu. The rejections are respectfully traversed.

Applicants respectfully submit that at most Funatsu refers to forming a carbon base deposit on a specified portion of a sample which is used as a mark. Funatsu determines the position of a defective circuit element by counting the number of repeated unit patterns of the repetitive pattern in a range between the reference point and the position of the defective circuit element. The claimed invention, in contrast, relates to a system for detecting defects by irradiating selectively on the specified portion of a wafer and using a mark formed by the irradiation to cause the charging on the specified portion that is different from charging of the scanned area other than the specified portion.

Funatsu does not suggest the method of the claims, as amended, wherein a "charged particle beam is irradiated selectively onto a specified portion and the charging formed by the irradiation is used as a mark in the image so as to cause charging of the scanned area other than the specified portion." Independent claims 6, 7 and 9 recite similar limitations. Accordingly, Applicants respectfully submit that

Funatsu does not anticipate, nor render obvious the claimed invention and thus, request that the rejections be withdrawn and the claims allowed.

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Funatsu in view of Nishino. The rejection is respectfully traversed. As set forth above, Funatsu fails to suggest a charged particle beam apparatus “wherein charging is formed by means of irradiation of the charged particle beam.” In addition, Funatsu does not teach or suggest irradiating a charged particle beam “onto a portion including the defect or the foreign-particle in the circuit such that a temperature of the portion is kept at a temperature higher than the environmental temperature.” In an embodiment of the claimed invention, an electron beam is irradiated onto the gas spraying area with scanning of the scanning width of X and Y and the temperature is kept at a temperature higher than the environmental temperature. Specification at page 25, lines 13-19.

The Office Action seeks to cure the deficiencies of Furatsu by combining Nishino. Nishino is cited by the Office Action as teaching a cooling unit for cooling the circuit pattern to be marked. Nishino, however, fails to teach or suggest a charged particle beam apparatus “wherein charging is formed by means of irradiation of the charged particle beam,” or irradiating a charged particle beam “onto a portion including the defect or the foreign-particle in the circuit such that a temperature of the portion is kept at a temperature higher than the environmental temperature.” Therefore, the cited references, whether considered alone or in combination, fail to teach or suggest the limitations of claim 3. Accordingly, Applicants respectfully request that the rejection be withdrawn and the claim allowed.

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Funatsu in view of Nishiyama. The rejection is respectfully traversed.

With respect to claim 4, the Office Action seeks to cure the deficiencies of Funatsu by combining Nishiyama. However, Nishiyama suffers from the same deficiencies. Nishiyama is cited by the Office Action as teaching the charging of the circuit pattern by the CPB to mark the defects. Even if that statement was true, and Applicants do not concede that fact, Nishiyama does not suggest the deficiencies of Funatsu. Nishiyama does not suggest a charged particle beam apparatus "wherein charging is formed by means of irradiation of the charged particle beam" and "wherein the charged particle beam is irradiated onto a portion including the defect or the foreign-particle in the circuit such that a temperature of the portion is kept at a temperature higher than the environmental temperature." Accordingly, Applicants respectfully request that the rejection be withdrawn and the claim allowed.

In view of the above amendment, Applicants believe the pending application, as amended, is in condition for allowance.

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Respectfully submitted,

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